



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#00
5/15/02
RECEIVED

MAY 08 2002

TECH CENTER 1600/2900

Application of: **Hans Herweijer,**
Jon A. Wolff, Larry F. Whitesell and
Matthew R. Wolff

Serial No.: 09/330,909

Filed: 6/11/99

Group Art Unit: 1632

Examiner: **J. Woitach**

For: **A Process For Delivering Nucleic Acids To Cardiac Tissue**

DECLARATION UNDER 37 C.F.R. §1.131

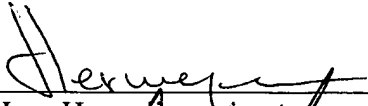
Assistant Commissioner for Patents
Washington, DC 20231

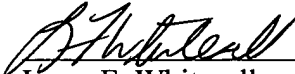
Dear Sir:

We, Hans Herweijer, Jon A. Wolff, Larry F. Whitesell and Matthew R. Wolff hereby declare as follows:

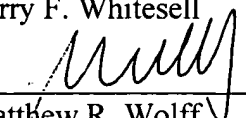
1. We are inventors of the captioned application.
2. Applicants' process was conceived prior to the publication date of the Office Action prior art reference to Hajjar *et al.*
3. We developed our process with due diligence from conception to the filing of our application.
4. Photocopies of Hans Herweijer personal laboratory notebook pages dated March, 1998 were submitted in the Amendment and Response dated September 14, 2001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Hans Herweijer
Date 4/25/02


Larry F. Whitesell
Date 5-2-02


Jon A. Wolff
Date 4/29/02


Matthew R. Wolff
Date 5/2/02